

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Frager Enterprises, Inc.
t/a Nightingale II
Application for a Retailer's
License Class "C - Boat" - new
at premises
600 Water Street, S.W.
Washington, D.C.

Case No. 33602-95000P

Loretta L. Reeves, Chair, on behalf of Advisory Neighborhood Commission
2D, Protestant

Frank Frager, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
DENNIS BASS, Member
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on March 22, 1995, in accordance with D.C. Code Section 25-115 (c)(5)(1993 Supp.), providing for remonstrants to be heard. Gottlieb Simon, Executive Director, on behalf of the Advisory Neighborhood Commission 2D (hereinafter "ANC 2D") filed a timely protest letter dated March 6, 1995.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement dated April 18, 1995.

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Accordingly, it is this 26th day of April 1994,
ORDERED that:

1. The protest of Gottlieb Simon, Executive Director, on behalf of ANC 2D, be, and the same hereby, is WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of Fragar Enterprises, Inc. t/a Nightingale II for a retailer's license class C Boat - new at premises 600 Water Street, S.W., be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eya Candon
Mary Eya Candon, Esquire
Chairman

James C. Jefferson
James C. Jefferson,
Member

James L. O'Dea, III
James L. O'Dea, III, Esquire
Member

Barbara L. Smith
Barbara L. Smith, Esquire
Member

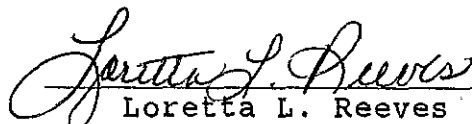
AGREEMENT

For the mutual purpose of assuring the Nightingale II operates in a manner that will enjoy the cooperation and satisfaction of the entire community, representatives of ANC 2D and Frager Enterprises enter into this agreement. Frager Enterprises understands and acknowledges that, pursuant to the terms of this agreement, if at any time it violates the terms of this agreement, the ANC may immediately proceed before the ABC Board to have Frager Enterprises held in violation of the terms and conditions of the license and to seek appropriate remedies, including license revocation.

Frager Enterprises, as a condition of maintaining its ABC Class "CX" license (for the Nightingale II), agrees to implement the following community participation plan:

1. They will advise their customers of the need to maintain quiet exit from the area during late hours and at closing.
2. They will not begin or end cruises on the Southwest waterfront after 11:00 p.m.
3. They will mitigate the potential adverse impact of their operation on nearby residential parking by:
 - a. providing controlled and closed parking at 600 Water Street;
 - b. encouraging the use of this parking by offering it for no cost or low cost to all of its patrons; and,
 - c. when necessary, employ valet parking to maximize the space available for parking.
4. The Nightingale will give preference in hiring to job applicants from the ANC 2D (Southwest) community.
5. The Nightingale will advertise its job openings in The Southwester, community newspaper, and list them with ANC 2D and with the Southwest Community House.
6. The Nightingale will support Southwest community activities such as the Southwest Community House, the Southwest Neighborhood Assembly and its affiliate committees, such as the Scholarship Committee and the Youth Activities Task Force. This support will be provided in a variety of ways, e.g. gifts, grants, and use of the Nightingale for fund-raisers. The participation must be reasonable and within the means of the Nightingale II.

 4/18/95
Frank B. Frager
Frager Enterprises

 4/18/95
Loretta L. Reeves
ANC 2D